

117

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.6538 of 2019 (O&M)
Date of Decision: 26.11.2019**

GURDISH KAUR

.....Petitioner

Vs

SEWA SINGH AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. R.K. Arya, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 20.05.2019 passed by the Addl. District Judge, Gurdaspur, vide which the application filed by petitioner under Order 41 Rule 25 CPC for framing issue regarding *bona fide* purchaser was declined.

[2]. Plaintiff/respondent No.2 herein filed a suit for specific performance against Sewa Singh and the petitioner on the basis of agreement to sell dated 30.03.2011. The suit was decreed by the trial Court vide judgment and decree dated 03.04.2017 thereby directing defendant No.1/Sewa Singh to execute the sale deed of the shop in house detailed in the headnote of the plaint in favour of the plaintiff upon receipt of balance sale consideration. In case of refusal to accept the balance sale

consideration by defendant No.1, the plaintiff was given liberty to deposit the same in the Court within two months.

[3]. First appeal was filed by defendant No.1 alone before the lower Appellate Court. Petitioner felt contended with the decree of the trial Court. In appeal filed by Sewa Singh, the petitioner moved an application under Order 41 Rule 25 CPC on the premise that she has purchased the suit property vide registered sale deed dated 26.03.2012 and, therefore, the proposed issue is relevant to be framed for just decision of the appeal.

[4]. Evidently, the petitioner has not assailed the judgment and decree of the trial Court, nor any evidence was led before the trial Court in the context of her being a *bona fide* purchaser. In the suit proceedings, the issues were framed on 25.03.2014. Petitioner being defendant No.2 had filed her written statement on 17.02.2014.

[5]. The evidence of the plaintiff was closed by order of the Court on 11.03.2016. Thereafter the case was fixed for defendants evidence. Evidence of defendant No.1 was closed on 08.12.2016. DefendantNo.2/petitioner did not lead any evidence on record, despite grant of six effective opportunities. The evidence of defendant No.2 was also closed by order of the Court on 08.12.2016. The suit was ultimately decreed on

03.10.2017. Petitioner/defendant No.2 has not preferred any appeal or cross-objection in the pending appeal till date.

[6]. In view of aforesaid factual position, no indulgence can be granted in this revision petition. This revision petition is accordingly dismissed.

November 26, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No